

Box PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

International Application No.: PCT/NO00/00200  
 International Filing Date: 8 June 2000  
 Applicants: Geir Olve Skeie et al.  
 Serial No: 10/009,013 ✓  
 TITLE: Detection of Ryanodione Receptor Antibodies

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 2213-1450

**RESPONSE TO DECISION DATED MARCH 11, 2004**

Sir:

The Decision of March 11, 2004 granting applicants' Petition to Withdraw the Holding of Abandonment of March 14, 2003 alleges that the executed Declaration filed by applicants on 13 February 2002 was compiled from separately executed Declarations. Issue is taken in this respect.

Enclosed is the original of the Declaration submitted on 13 February 2002, along with a cover letter dated 5 February 2002 from applicants' Norwegian representative. Accordingly, the requirement for a new oath or Declaration is unwarranted.

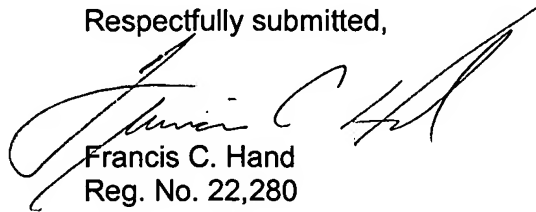
The Decision of 11 March 2004 also requires the filing of a replacement Sequence Listing in computer readable form on the basis that the previously submitted computer readable form appears to have been damaged as a consequence of the treatment of mail directed to the "20231" zip code. Clarification is requested. Specifically, two floppy discs have been previously submitted to the PTO each containing a computer readable form of the Sequence Listing. One floppy disc was submitted on 13 May 2002 and the second was submitted on 1 July 2002.

It is requested that the undersigned be advised if two floppy discs are in the file and if each has been damaged.

**BEST AVAILABLE COPY**

The Decision of 11 March 2004 states that the 21 February 2003 communication referenced in the petition is not of record. Enclosed is a copy of a return postcard for the communication filed 21 February 2003 as well as a copy of the papers filed on that date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis C. Hand', is written over the typed name and registration number.

Francis C. Hand  
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Five Becker Farm Road  
Roseland, NJ 07068  
Phone: 973-994-1700  
Fax: 973-994-1744

214141

# AS BERGEN PATENTKONTOR

ESTABLISHED 1924  
PATENTS - DESIGNS - TRADEMARKS

CONFIRMATION COPY  
SENT BY TELEFAX

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Gilfillan, Cecchi Stewart & Olstein  
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- Runar Bjaalid
- Jan-Ove Hindenes
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Swift: XIAN NOKK BGO

Registration No.: NO 915 113 737 MVA

URGENT

Your ref.: 53550.40

Our ref.: JOH/iek

BERGEN - NORWAY

05.02.02

Re.: PCT/NO00/00200 in USA  
Applicant: UNIFOB

Dear Mr. Hand,

We refer to your letter dated December 5, 2001 and please find enclosed Declaration and Power of Attorney form and Assignment.

Please do not prepare a preliminary amendment.

Please confirm receipt of the documents, and send us Small Entety documents..

Original documents will be sent by DHL as soon as possible.

Yours faithfully  
A/S BERGEN PATENTKONTOR

for Jan- Ove Hindenes  
*Inger Elin Krabbedal*

Encls.

BEST AVAILABLE COPY

Please date stamp and return to addressee on reverse side

Applicant(s): GEIR OLVE SKEIE ET AL.

Serial No.: 10/009013 Filed: \_\_\_\_\_

Title (or mark): DETECTION OF RYANODIONE  
RECEPTOR ANTIBODIES

PCT/NO00/00200  
8 June 2000

**DOCUMENTS ENCLOSED**

☐ Application sheets: Descr.: \_\_\_\_\_  
Drawing sheets: \_\_\_\_\_

Claims \_\_\_\_\_ Abstract \_\_\_\_\_  
☐ Formal ☐ Informal

☐ Declaration (executed \_\_\_\_\_ )

☐ Assignment to \_\_\_\_\_

☐ Verified Statement Claiming Small Entity Status

☐ Type of OA: \_\_\_\_\_

☒ Response to OA dated 2/6/03

☐ Inform. Discl. Statement

☐ \_\_\_\_\_ Mo. Ext. of Time

☐ \_\_\_\_\_

☒ Other REQUEST FOR WITHDRAWAL  
OF NOTICE OF DEFECTIVE RESPONSE

☐ Check Amount \$ \_\_\_\_\_ No. \_\_\_\_\_

☐ Formal Drawing \_\_\_\_\_ sheets

Express Mail Label No.: \_\_\_\_\_

First class mail

Deposited on: \_\_\_\_\_

Atty.: FCH

Certificate Dated: \_\_\_\_\_

Packet No.: 53550 40

**DT07 Rec'd PCT/PTO 21 FEB 2003**

3-7-03

DATE RECEIVED:	
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6)	
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DATE:	<u>3-7</u>

Box PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

International Application No.: PCT/NO00/00200  
International Filing Date: 8 June 2000  
Applicants: Geir Olve Skeie et al.  
Serial No: 10/009013  
TITLE: Detection of Ryanodione Receptor Antibodies

Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR WITHDRAWAL OF  
NOTICE OF DEFECTIVE RESPONSE**

Sir:

Enclosed is a copy of a Notification of Defective Response dated February 6, 2003 alleging that the requirements set forth in the Notification of Missing Parts dated 03/08/2002 has not been completed and attaching a CFR Problem Report.

The CFR Problem Report indicates processing on June 4, 2002.

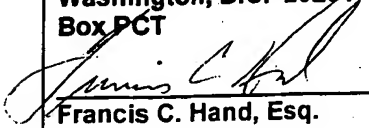
However, a compact disk was submitted to the PTO on June 26, 2002 along with a Statement that the contents of the compact disc and the Computer Readable Form are the same and include no new matter. A return receipt post card acknowledgement of these documents and things is date stamped July 1, 2002.

Accordingly, there does not appear to be a basis for the Notification of Defective Response dated February 6, 2003 and should be withdrawn.

**FIRST CLASS CERTIFICATE**

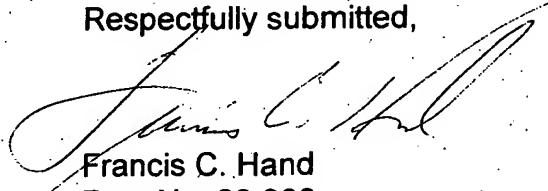
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231  
Box PCT

  
Francis C. Hand, Esq.

2-14-2003  
Date

Respectfully submitted,

  
Francis C. Hand  
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Six Becker Farm Road  
Roseland, NJ 07068  
Phone: 973-994-1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,013	Geir Olve Skeie	53550.40

INTERNATIONAL APPLICATION NO.
PCT/NO00/00200

I.A. FILING DATE	PRIORITY DATE
06/08/2000	06/08/1999

Francis C Hand  
 Carella Byrne Gilfillan Cecchi Stewart & Olstein  
 6 Becker Farm  
 Roseland, NJ 07068

CONFIRMATION NO. 2173

371 FORMALITIES LETTER



\*OC000000009478884\*

Date Mailed: 02/06/2003

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

24003  
 Sequence C.F.F.  
 Response Due  
 3-6-03  
 NO EXTENSIONS  
 DOCKETED BY: [Signature]  
 DATE: 2-10

Applicant's response filed 06/17/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/08/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - Damaged CRF
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,013	PCT/NO00/00200	53550.40

Please type a plus sign (+) inside this box



PTO/SB/01 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. Department of Commerce

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing <b>OR</b> <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	53550.40
	<b>First Named Inventor</b>	
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

**DETECTION OF RYANODIONE RECEPTOR ANTIBODIES**

the specification of which

☐ is attached hereto  
**OR**

☒ was filed on 12/06/2001 as United States Application Number or PCT International Application Number PCT/NO00/00200 and was amended on (mm/dd/yyyy) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/NO00/00200 19992786	WIPO Norway	0 June 2000 8 June 1999	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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PTO/SB/01 (10/00)

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## DECLARATION --- Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number or Bar Code Label 27162 OR ☐ Correspondent address below

Name Francis C. Hand, Esq.  
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

Address 6 Becker Farm Road

City Roseland

State NJ

ZIP 07068

Country USA

Telephone (973)994-1700

Fax (973)994-1744

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor.

Given Name (first and middle [if any]) Geir Olve

Family Name or Surname Skeie

Inventor's Signature

*Geir Olve*

Date

6/2-02

Residence:

City Bergen

State

Country Norway

Citizenship Norwegian

Mailing Address Garbitsgt. 1, N-5035 Bergen, Norway

Mailing Address

City

State

ZIP

Country

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor.

Given Name (first and middle [if any]) Francesco

Family Name or Surname Zorzato

Inventor's Signature

Date

Residence:

City Ferrara

State

Country Italy

Citizenship Italian

Mailing Address Via Victoria, 21, I-44100 Ferrara, Italy

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

123972

PTO/SB/01 (10/00)

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U.S. Patent and Trademark Office; U.S. Department of Commerce

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION --- Utility or Design Patent Application**Direct all correspondence to: ☒ Customer Number or Bar Code Label **27162** OR ☐ Correspondent address belowName **Francis C. Hand, Esq.**  
**Carella, Byrne, Bain, Gillilan, Cecchi, Stewart & Olstein**Address **6 Becker Farm Road**City **Roseland**State **NJ**ZIP **07068**Country **USA**Telephone **(973)994-1700**Fax **(973)994-1744**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**☐ A petition has been filed for this unsigned inventor.Given Name (first and middle [if any]) **Geir Olve**Family Name or Surname **Skals**

Inventor's Signature

Date

Residence: City **Bergen**

State

Country **Norway**Citizenship **Norwegian**Mailing Address **Garbitsgt.1, N-5035 Bergen, Norway**

Mailing Address

City

State

ZIP

Country

**NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventor.Given Name (first and middle [if any]) **Francesco**Family Name or Surname **Zorzato**

Inventor's Signature

Date **05.02.02**Residence: City **Ferrara**

State

Country **Italy**Citizenship **Italian**Mailing Address **Via Victoria, 21, I-44100 Ferrara, Italy**

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

123972

(Page 2 of 2)

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